

From: Roger Gough, Cabinet Member for Children,
Young People and Education

David Cockburn, Head of Paid Service/Corporate
Director of Strategic and Corporate Services

Matt Dunkley, CBE, Corporate Director of
Children, Young People and Education

To: Children's, Young People and Education Cabinet
Committee – 7 May 2019

Subject: Proposed New Multi-Agency Local Safeguarding
Arrangements

Classification: Unrestricted

Decision Number: 19/00035

Past Pathway of Paper: Corporate Management Team – 2 April 2019
Safeguarding Partnership (Shadow Executive Board)
15 April 2019 and 22 March 2019

Future Pathway of Paper: Cabinet Member Decision

Electoral Divisions: All

Summary: This report presents details of the proposed new multi-agency local safeguarding arrangements because of the changes to the Children Act 2004. As a result, the Kent Safeguarding Children Board will be replaced by the proposed new Multi-agency local safeguarding arrangements.

Recommendations:

The Children's, Young People and Education Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Children, Young People and Education on the proposed decision (Attached as Appendix A) to:

Agree the proposed new multi-agency local safeguarding arrangements.

1. Introduction

1.1 In December 2015 the Government asked Sir Alan Wood to undertake a review into effectiveness of local safeguarding children's boards (LSCBs). His review, published in May 2016, concluded that LSCBs did not work effectively and should be abolished. The Wood review proposed a new model of collective working that would ensure better multi-agency collaboration, placing responsibilities on three key agencies to take a strategic lead on safeguarding and the promotion of child welfare in each local authority area. The Wood

Review recommendations formed a core part of the Children and Social Work Act 2017.

- 1.2 Under the Children Act 2004, as amended by the Children and Social Work Act 2017, Local Safeguarding Children Boards, set up by Local Authorities, must be replaced. The revised legislation requires the three 'Safeguarding Partners' (the Local Authority, the Chief Officer of Police, and Clinical Commissioning Groups) to make arrangements to work together with relevant agencies, as they consider appropriate, to safeguard and protect the welfare of children in the area.
- 1.3 'Working Together to Safeguard Children 2018' and 'Working Together: transitional guidance 2018' statutory documents, set out further structural requirements for the proposed new multi-agency local safeguarding partnership arrangements. The Children Act 2004, as amended by the Children and Social Work Act 2017 and the Working Together outlined above, require the three Safeguarding Partners to discharge a 'shared and equal duty' to safeguard and promote the welfare of children.
- 1.4 The Kent Safeguarding Children Board must continue to carry out all its statutory functions, including commissioning Serious Case Reviews where the criteria are met, until the date on which the new multi-agency local safeguarding arrangements become operational on or before 29 September 2019.
- 1.5 The purpose of this report is to provide the Children's, Young People and Education Cabinet Committee the opportunity to consider the proposed new multi-agency local safeguarding arrangements which will replace the existing Kent Safeguarding Children Board arrangements, on or before 29 September 2019.

2. Policy context

- 2.1 The statutory duties to establish the new multi-agency local safeguarding arrangements' is placed on the statutory officers of the 'Safeguarding Partners'. The Chief Officers, namely, the Head of Paid Service (KCC), the Accountable Officer (CCGs) and the Chief Officer (Kent Police) are jointly accountable for the establishment of the new multi-agency local safeguarding arrangements. The Chief Officers are required to seek assurance that the proposed new functions are being delivered effectively. The Chief Officers have delegated their responsibility to the Corporate Director for Children, Young People and Education and the statutory Director for Children's Services (DCS); the Chief Nurse for Medway, North and West Kent and Medway Clinical Commissioning Groups and the Chief Superintendent for Protecting Vulnerable People Command Kent Police, to play the lead role in ensuring that relevant partners play a full and active role within the proposed new multi-agency local safeguarding arrangements.
- 2.2 The proposed new multi-agency local safeguarding arrangements objective of keeping children and young people safeguarded, align with the broad thrust of the KCC Strategic Statement outcomes. Specifically, in relation to the 'Children

and young people in Kent get the best start in life' outcome. The proposed new arrangements are also in line with the Kent Joint Health and Wellbeing Strategy outcome 1 - 'Every child has the best start in life' by supporting families, communities and universal settings within local districts to support all children and young people to do well and to stay safe. The proposed arrangements are also in line with Kent and Medway Sustainability and Transformation Partnership objectives and the aims of the Kent Child Centred Policing Board.

- 2.3 Kent County Council, Clinical Commissioning Groups in Kent and Kent Police have until 29 June 2019, to agree the proposed new multi-agency local safeguarding arrangements which describe how they will work with relevant agencies to safeguard and promote the welfare of children in the county. The Safeguarding Partners must also publish information about the proposed new multi-agency local arrangements and notify the Secretary of State for Education and the Chair of the Kent Safeguarding Children Board. Following the publication of the new local arrangements, Safeguarding Partners have up to three months from the date of publication to implement the arrangements. Safeguarding Partners must implement their new arrangements on or before 29 September 2019.
- 2.4 Statutory guidance from 2013 setting out the roles of statutory Director of Children's Services (DCS) and the Lead Member for Children's Services (LMCS) remains in place which requires the LMCS to be "*a 'participating observer' of the LSCB; they may engage in discussions but not be part of the decision making process in order to provide the LMCS with the independence to challenge the DCS (and others) when necessary*". So, although Safeguarding Children's Boards are being abolished, to allow the LMCS to continue to fulfil this statutory function within the new partnership, they will become a member of the Scrutiny and Challenge Panel within the new partnership arrangements. Other elected Members will have oversight of, and assess the effectiveness of the partnership arrangement, through existing mechanisms to hold the statutory DCS and LMCS to account, e.g. Cabinet, the Children's, Young People and Education Cabinet Committee, the Corporate Parenting Panel, the Children's Assurance Board and the County Council itself.

3. Current Safeguarding Children Arrangements

- 3.1 The Kent Safeguarding Children Board has a statutory role in co-ordinating and ensuring the effectiveness of the local authority and its partners in protecting children and young people from harm in Kent. The Board discharges its statutory functions and delivery of its strategic priorities through several standing working groups and short-term task and finish groups. Its membership comprises of senior representatives from relevant agencies responsible for child protection arrangements in Kent.
- 3.2 The Board is chaired by a contracted Independent Chair, who is accountable to the Head of Paid Service in Kent County Council for the effectiveness of the work of the Board. The Board presents its Annual Report to the 0-25 Health and Wellbeing Board, the Kent Health and Wellbeing Board, NHS Clinical

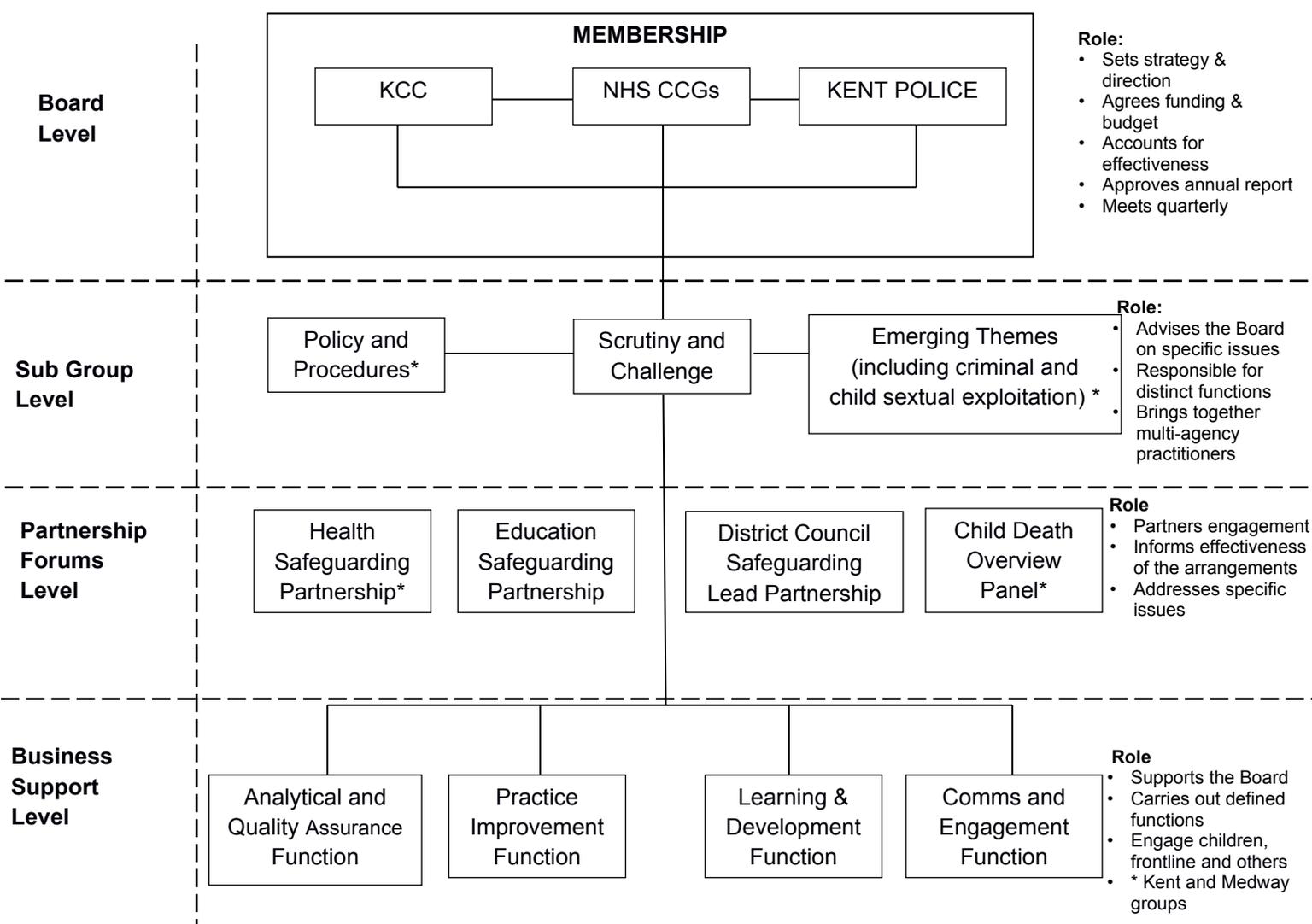
Commissioning Groups and the Police and Crime Commissioner. The Board is assisted by a Business Support Team which facilitates the work of the Board. The Business Support Team was transferred from Children's Services in December 2017 to the Strategic, Policy, Relationship and Corporate Assurance Division in the Strategic and Corporate Services Directorate to support greater structural independence from the service.

- 3.3 The Board must ensure the retention of relevant historical records, including (for example) any that might be relevant to the Independent Inquiry into Child Sexual Abuse. Furthermore, the Board is expected to arrange to handover copies of these records to the new multi-agency local safeguarding partnership. In doing so it must comply with the Data Protection Act 2018 and the General Data Protection Regulation and provide a clear audit trail on the handling of all documentation.

4. Proposed New Multi-agency Local Safeguarding Arrangements

- 4.1 Working Together to Safeguard Children 2018 specifies the key requirements that the new local safeguarding arrangements must address and put in place. The development work to meet the requirements placed on the Safeguarding Partners to publish their arrangements has been overseen by a Shadow Executive Board of senior representatives from the Safeguarding Partners. Full details of the proposed new Multi-agency local arrangements can be found in the draft publication document which is attached as Appendix B.
- 4.2 It is proposed that the new multi-agency local safeguarding arrangements shall be called the Kent Safeguarding Children multi-agency Partnership (KSCMP). It is further proposed that an Executive Board shall be created and comprise of senior representatives from the three Safeguarding Partners. The Executive Board will be assisted by the following subgroups - Policy and Procedures, Challenge & Scrutiny and Emerging Themes (including criminal and child sexual exploitation). A subject specific partnership groups made up of representatives of relevant partners as shown in the governance structure diagram below, covering health education and district councils shall also be established. Some of the subgroups* will function as Kent and Medway groups. The organisational support will be provided by a dedicated Business Support Team. The outline of the proposed governance structure is shown in the figure below.

Kent Safeguarding Children Multi-agency Partnership – Governance Structure



4.3

Safeguarding partners are under an obligation to select Relevant Agencies from a specified list of agencies whose involvement the Safeguarding Partners consider is required to safeguard and promote the welfare of children in Kent. Designation as a Relevant Agency carries certain responsibilities which are set out in the statutory guidance. These include, acting in accordance with the local arrangements, collaborating and contributing to the funding of the arrangements. Given the size of Kent and the number of organisations in the county, it is not possible to include every organisation. The summary list of the proposed selected Relevant Agencies is shown in the table below.

Relevant Partner	Role	Represented by
Education	Educates children in schools, colleges, and early years setting	Education Safeguarding Group
Health Provider Trusts	Provides primary, community and secondary health care provision	Health Safeguarding Group
Additional Social Care	Provides fostering, adoption, children's home, residential family centres and holiday schemes	Sector Forum
District Council	Provides housing, waste collection and local planning	Council partnership group
National Probation Service	Supervises offenders and released prisoners in the community	Scrutiny and challenge Group
CRC	Provides probation and prison-based rehabilitation service for offenders	Scrutiny and challenge Group
CAFCASS	Looks after the interests of the children involved in family proceedings	Scrutiny and challenge Group
KFRS	Provides statutory fire and rescue service	Scrutiny and challenge Group

5. Financial Implications

- 5.1 The Safeguarding Partners are required to agree how they will fund their new arrangements. The statutory guidance also requires selected Relevant Agencies to contribute to the arrangements, including funding, accommodation, services and any resources connected with the arrangements.
- 5.2 As part of the transition from the KSCB to the proposed new arrangements, existing KSCB members have agreed their respective funding contribution for the 2019/20 financial year. It is proposed that the agreed funding should contribute to the costs associated with the implementation of the proposed new safeguarding arrangements, including the Business Support Team and the contracting of the proposed independent scrutineer arrangements and any associated developments work in 2019/20. Kent and Medway may agree to enter into joint arrangements where these make sense, for reasons of efficiency and better use of resources.
- 5.3 Funding arrangements for 2020/21 and beyond, will be subject to a further review and decision by the Safeguarding Partners and Relevant Agencies, following implementation of the proposed new multi-agency local arrangements. The ongoing and future funding will be subject to an annual review by the Safeguarding Partners and Relevant Agencies.

6. Legal Implications

- 6.1 The Children Act 2004 as amended by the Children and Social Work Act 2017, has redefined the responsibilities of named public authorities. Safeguarding Partners, namely the Local Authority, Chief Officer of Police, and Clinical Commissioning Groups, have a shared and equal duty to set up and ensure effective delivery of the proposed new multi-agency local safeguarding arrangements which will replace the existing KSCB arrangements.

7. Equalities Implications

- 7.1 An equalities impact assessment has been carried out on the proposed new structural safeguarding arrangements. The analysis of the impact assessment of the proposed arrangements is attached as Appendix C.

8. Next Steps

- 8.1 The Shadow Executive Board will finalise and agree an implementation plan informed by the Working Together transition guidance 2018. The Shadow Executive Board will also continue to work with KSCB to agree and carry out the handover action plan including the key documentation and other information that must be preserved in order to meet requirements outlined in relevant statutory guidance.
- 8.2 The Shadow Executive Board will similarly lead and manage the key communications messages with relevant stakeholders to inform them about the of new multi-agency local safeguarding arrangements. The action plan will be taken forward during the transition months of July, August and September 2019 to engage Relevant Agencies on how the Subgroups and Partnership level groups will function. The review work will result in making clear, the expectations placed on the key partners including membership, roles and responsibilities.
- 8.3 The Shadow Executive Board will draw up future work programme including the development of a new scrutiny and assurance framework and will continue to liaise with Medway Council on functions that potentially could be carried jointly.

9. Conclusion

- 9.1 Amendments to the Children Act 2004 has placed a shared and equal duty on the Safeguarding Partners. The three safeguarding partners must publish a document which explains their new arrangements by 29 June 2019. Following the publication, they will have until 29 September 2019 to implement the new arrangements. At the point of the implementation of the proposed new multi-agency local safeguarding arrangements, KSCB will formally cease, except for relevant residual tasks.

10. Recommendations

10.1 Recommendations:

The Children's, Young People and Education Cabinet Committee is asked to consider and endorse or make a recommendation to the Cabinet Member for Children, Young People and Education on the proposed decision (Attached as Appendix A) to:

- a) Agree the new multi-agency local safeguarding arrangements.

11. Background Documents

Appendix A: Proposed Record of Decision
Appendix B: Draft Kent Safeguarding Children Multi-agency Partnership Arrangements (Publication document)
Appendix C: Equalities Impact Assessment.

Working Together to Safeguard Children 2018
Working Together: transition guidance 2018
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

12. Report Authors

Michael Thomas-Sam
Strategic Business Adviser Social Care
03000 417238
Email: Michael.thomas-sam@kent.gov.uk

Mark Janaway
Programme and Performance Manager
Kent Safeguarding Children Board
03000 417103
Email: mark.janaway@kent.gov.uk

Amanda Hornsby
Policy Adviser
03000 416271
Email: amanda.hornsby@kent.gov.uk

Relevant Director

David Whittle
Director Strategy, Policy, Relationships and Corporate Assurance

03000 416833

Email: David.whittle@kent.gov.uk